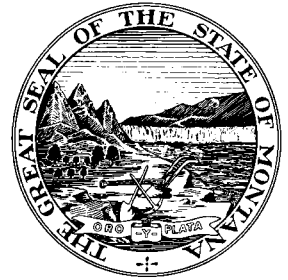


STATE OF MONTANA BOARD OF OUTFITTERS
P.O. BOX 200513, HELENA, MT 59620-0513
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OUTFITTER LICENSE APPLICATION PROCEDURES

- In the state of Montana a person may not advertise, act or otherwise represent to the public that the person is an outfitter without first securing a license from the Montana Board of Outfitters. [37-47-301, MCA]
- "Outfitter" means any person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal; facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish; and who accompanies that person, either part or all of the way, on an expedition for any of those purposes or supervises a licensed guide or professional guide in accompanying that person. [37-47-101, MCA]
- Section 37-47-101(11), MCA, provides an exemption for *Private Landowners* from the law that governs outfitters. The exemption (emphasis added) applies only to those persons demonstrating an ownership interest in the land where the outfitting operation is contemplated and, furthermore, the landowner must demonstrate that the primary purpose of the land is agricultural. The most common mistake relates to the hiring of guides. There is no landowner exemption for guiding and, furthermore, there is no exemption for a guide who may work for a landowner.
- **FEES:** Applications must be accompanied with the required fees. Checks or money orders are to be made payable to the Montana Board of Outfitters. All fees are non-refundable.
 - \$1000.00 New/Original License and Examination Application
 - \$400.00 License Amendment and Examination Application
 - \$100.00 Re-Application
 - \$425.00 New Operation Plan/Inspection Application
 - \$2,000.00 Net Client Hunter Use Application (NCHU) (Hunting Applicants Only) *Please note: An outfitter who is granted a net client hunter use shall pay a fee of \$500 for each new client added to that outfitter operation plan*
- **APPLICATION PROCEDURES:** Applicants for an outfitter's license must make application on a form prescribed and furnished by the Board. After meeting the experience and training specifications and other qualifications, license applicants must take and pass a written examination administered by the Board or its agent. Incomplete applications will be returned causing a delay in processing.
 - (1) Complete the outfitter license/examination application and operation plan by typing or printing all required parts. (A completed NCHU application must accompany hunting outfitter license application as well) sign the forms, in front of a Notary, and submit them to the Board office with the required fees. Applications submitted without the required experience may be subject to a re-application process with new fees. It is advised that you check with your endorsing outfitter(s) and insure that you have accumulated the required 100 days of guiding experience before submitting your applications.
 - (2) Qualifications will be investigated and experience verified upon receipt of an application. The experience is verified through review of the endorsing outfitter's annually submitted client report logs.
 - (3) Applications must be submitted (30) thirty days prior to the next scheduled examination date. If received after the deadline date, the application will be held for the following examination. Submitting your application by the deadline date does not guarantee that you will be scheduled for the next examination date. Applicants must receive preapproval of their proposed operations plan and license application before being scheduled for the written examination.

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- (4) Once an application is considered complete, the Board office will send written confirmation of the date and time the applicant is scheduled for examination. The examinations are given on the second Tuesday every three months starting with January. Therefore, the exams are given in January, April, July and October. Examinations are always held at a pre-scheduled location in Helena, Montana.
- (5) An equipment and premises inspection will be made by a representative of the Board at a reasonable time following approval of an application.
- (6) When all the conditions of licensure have been satisfied, the Board will issue a license stating the outfitter functions that the applicant is qualified and approved to perform. The license is valid for the licensing year in which it is issued and expires on the last day of that license year.
- **QUALIFICATIONS/EXPERIENCE:** An applicant for an outfitter's license must meet experience, training, and testing requirements. Those qualifications and experience requirements are as follows:
 - (1) Must be 18 years of age or older, be physically capable and mentally competent to perform the duties of an outfitter. [37-47-302, MCA]
 - (2) Must have 100 days of verified experience as a licensed outfitter in another state or a licensed guide working for a licensed outfitter in Montana. The experience must have been achieved while guiding clients in pursuing the types of game and using methods for which licensure is sought by the applicant [ARM 8.39.502(1)(a)]. The experience must be in the field pertaining to the license function applied for. [ARM 8.39.502(3)]
 - (3) Must be qualified to provide all services and use all equipment necessary to provide the functions of an outfitter that applicant's license will authorize him or her to conduct. [ARM 8.39.502(1)(b)]
 - (4) Must own or hold under written lease or represent a company, corporation, or partnership who owns or holds under written lease the equipment and facilities that are necessary to provide the services advertised, contracted for, or agreed upon between the outfitter and the outfitter's clients. [37-47-302, MCA]
 - (5) Must have demonstrated a respect for and compliance with the laws of any state or of the United States and all rules promulgated under those laws related to fish and game, conservation of natural resources, and preservation of the natural ecosystem without pollution of the ecosystem. [37-47-302, MCA]
 - (6) Must have not, at any time, practiced fraud, deception, or material misrepresentation in procuring any previous outfitter's, guide's, professional guide's, or conservation license from the state of Montana. [37-47-302, MCA]
 - (7) Must have not, at any time, promulgated any false or misleading advertising relating to the business of outfitting. [37-47-302, MCA]
 - (8) Must hold a current basic first aid at all times licensed. [ARM 8.39.704]
 - (9) Must hold a valid Montana wildlife conservation license [37-47-304, MCA]
- **EXPERIENCE WAIVER:** In addition to meeting all other qualifications and experience, portions of the 100 days

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of verified experience requirements may be waived upon Board approval of training as follows:

- (1) Three days of experience may be waived by the Board for an applicant for every day of training completed by the applicant in the category of licensure applied for (fishing or hunting). The experience waiver is subject to a maximum waiver of 30 days, at an outfitter or guide school approved by the Board. [ARM 8.39.502(4)]
 - (2) Fifty days of experience may be waived for an applicant purchasing an existing outfitter operation provided that: (1) The buyer and seller submits and receives pre-approval from the Board of a plan documenting how and in what capacity the applicant will work with the licensed outfitter from whom the business was obtained (2) The applicant has entered into a sales agreement with the selling outfitter for the purchase of the operation and the sales agreement provides supervision of the applicant during a 12-month period by the selling outfitter (3) The business has a current, approved operation plan on file with the Board (4) The applicant works with the licensed outfitter from whom the business was obtained, in operating the business now owned by the applicant, pursuant to the plan approved by the Board, for not less than 12 months following advance approval from the Board. [ARM 8.39.513(3)(a-c)]
- **WAIVER PROCEDURES:** Waiver appeals are submitted to the Board office by written request and must receive full Board approval. The request must clearly specify which type of waiver the petitioner is seeking. When applicable, qualifications and training will be investigated and experience verified prior to Board consideration.
 - **30-DAY WAIVER:**
 - (1) Submit the written request along with a current copy of the outfitter or guide school curriculum, proof of attendance and successful completion of training as well as any other supporting documents and materials pertinent to the waiver.
 - (2) Requests must be submitted at least three weeks prior to a regularly scheduled Board meeting. Requests received after the deadline date will be held for the following meeting. Submitting your request by the deadline date does not guarantee that your request will be scheduled for the next meeting. Requests lacking in detail will be returned causing a delay in the process.
 - (3) The Board office will send written confirmation of the date and time the appeal is scheduled for review. Board meetings are held four times a year, approximately every three months starting with December and are always held at a pre-scheduled location in Helena, Montana.
 - (4) Once approval has been granted by the Board, an application for license may be submitted only after the remainder of the experience and training specifications and other qualifications have been met.
 - **50-DAY WAIVER:** This is a three-part process. Part I initiates the process for approval of a 12-Month Plan between two parties as a result of the sale of an outfitting business. Part II initiates the process for approval of the results of a completed pre-approved 12-Month Plan. Part III initiates the process of approval of a 50-Day Experience Waiver based on the completion of a pre-approved 12-Month Plan.

In instances where the license of seller is to be transferred to the purchaser, the sales agreement must provide that the effective date of the transfer is midnight, December 31, as no license may be transferred during the licensure year. Prior to the license transfer, the applicant will be required to show proof of ownership of the entire business and the seller will be required to return his or her outfitter license to the Board office along with a written affidavit that the license is being relinquished for the applicant's use and benefit in becoming an outfitter.

Part I -- 12-Month Plan approval process

- (1) The buyer and seller must submit a written request for Board approval of a 12-Month Plan documenting how and in what capacity the applicant will work with the licensed outfitter from whom

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the business was obtained. The plan must clearly identify what is to be accomplished, what areas of expertise or skills will be learned, how and what knowledge will be obtained. The following identifies some areas of expertise, which may assist applicants in outlining a proposed 12-Month Plan.

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|---|---|
| a. marketing and public relations; | m. use of outfitters gear as listed on the operation plan; |
| b. maintaining advertising; | n. knowledge of firearms; |
| c. maintenance of rate schedules; | o. first aid; |
| d. maintenance of complete and accurate client logs; | p. knowledge of equipment, terrain, and hazards to competently provide a safe experience for those persons guided; |
| e. guiding techniques; | q. knowledge of game and hunting and techniques to provide the services advertised by the supervising outfitter |
| f. setting up of campsites; | r. ability to perform the services contemplated with efficiency and with safety to the health and welfare of clients, employees and the public. |
| g. federal and state regulations as applicable to outfitting; laws and regulations; | s. preservation of the natural ecosystem |
| h. federal and state fish and game laws and regulations; | t. provide services in such a manner as not to be detrimental to wildlife or the environment. |
| i. practical woodsmanship; | |
| j. general knowledge of big game; | |
| k. field preparation of trophies; | |
| l. care of game meat; | |
- (2) Submit verifiable documentation that the applicant owns the outfitting business that constitutes the entire operation of an existing licensed outfitter. The business must have a current approved operation plan on file with the Board.
- (3) Requests must be submitted at least three weeks prior to a regularly scheduled Board meeting. Requests received after the deadline date will be held for the following meeting. Submitting your request by the deadline date does not guarantee that your request will be scheduled for the next meeting. Requests lacking in detail will be returned causing a delay in the process.
- (4) The Board office will send written confirmation of the date and time the appeal is scheduled for review. Board meetings are held four times a year, approximately ever three months starting with December and are always held at a pre-scheduled location in Helena, Montana.
- (5) A plan commences upon the day of approval. The applicant must work with the licensed outfitter from whom the business was obtained, in operating the business now owned by the applicant, pursuant to the plan for not less than 12 months following advance approval from the Board. The Board office is not responsible for tracking completion dates.

Part II -- Approval process of an executed 12-Month Pre-approved Plan

- (1) The buyer and seller must submit a written request for Board approval of a 50-Day Experience Waiver pursuant to the completion of the previously approved 12-Month Plan. Attach a description of the areas of expertise or skills that were learned and how and what knowledge was obtained.
- (2) Requests must be submitted at least three weeks prior to a regularly scheduled Board meeting. Requests received after the deadline date will be held for the following meeting. Submitting your request by the deadline date does not guarantee that your request will be scheduled for the next meeting. Requests lacking in detail will be returned causing a delay in the process.

Part II -- Approval process of an executed 12-Month Pre-approved Plan (Continued)

- (3) The Board office will send written confirmation of the date and time the appeal is scheduled for review.

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Board meetings are held four times a year, approximately every three months starting with December and are always held at a pre-scheduled location in Helena, Montana.

Part III -- 50-Day Experience Waiver application process

- 1) Once a 50-Day Experience Waiver has been granted a completed outfitter license application must be submitted and approved prior to examination. The buyer's operation plan must synchronize with the entire operation of the existing licensed outfitter's approved plan. Proof of the remaining 50-days of guiding experience in each license function must accompany the license application. Refer to the Application Procedures on Page 1 for a summary on making application for licensure.
 - (2) The applicant purchasing the business must submit a signed sales agreement setting forth the name of seller and purchaser, a general description of the transaction (stock purchase, merger, etc.), a list of the equipment and livestock which is included as part of the sale, a legal description of all lands involved in the sale, including copies of signed land use approval forms (L-1 forms) and a statement relative to whether the seller will surrender or retain the outfitter license, or place the license on inactive status.
 - (3) The purchaser must provide a current list of all clients booked by seller and a written description of how such reservations will be transferred including, but not limited to, transfer of outfitter sponsored licensees, refunds of deposits and notification of the sale of clients. In instances where the license of seller is to be transferred to the purchaser, the sales agreement must provide that the effective date of the transfer is midnight, December 31, as no license may be transferred during the licensure year.
- **SALE AND PURCHASE OF AN OUTFITTING OPERATION:** The Board will evaluate outfitter applications involving the sale of an existing outfitting operation utilizing information pertaining to experience and training relative to outfitter activities. Refer to the Application Procedures on Page 1 for a summary on making application for licensure.

The applicant purchasing the business must submit a signed sales agreement setting forth the name of seller and purchaser, a general description of the transaction (stock purchase, merger, etc.), a list of the equipment and livestock which is included as part of the sale, a legal description of all lands involved in the sale, including copies of signed land use approval forms (L-1 forms) and a statement relative to whether the seller will surrender or retain the outfitter license, or place the license on inactive status.

The purchaser must provide a current list of all clients booked by seller and a written description of how such reservations will be transferred including, but not limited to, transfer of outfitter sponsored licensees, refunds of deposits and notification of the sale of clients. In instances where the license of seller is to be transferred to the purchaser, the sales agreement must provide that the effective date of the transfer is midnight, December 31, as no license may be transferred during the licensure year.
 - **MAKEUP OF OPEN BOOK WRITTEN EXAMINATION:** The examination must require general and sufficient knowledge displaying and indicating ability to perform the services contemplated with efficiency and with safety to the health and welfare of participants. It is an open book examination. There are four sections to the examination. There are (25) multiple-choice questions in the Hunting Services section; (25) questions in the Fishing Services section; (50) questions in the General Outfitter section; and (25) questions in the Horse/Packing section. You must pass each section of the examination you are taking with a score of 75% or more.
 - (1) **HUNTING SERVICES:** Applicants who will be providing hunting services must take the Hunting Section. Included are questions concerning Fish and Game hunting laws and regulations and Board of Outfitters regulations.
 - (2) **FISHING SERVICES:** Applicants providing fishing services must take the Fishing Section. Included are

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questions on Fish and Game fishing laws and regulations, Board of Outfitters regulations, stream access, boating and trespass laws.

- (3) **LIVESTOCK SERVICES:** Applicants providing or using livestock must take the Horse/Packing Section. Included are questions on horsemanship, horse care, and knowledge of tack.
- (4) **GENERAL OUTFITTER:** All new license applicants are required to take and pass the General Outfitter Section and any sections that pertain to those areas you plan on being licensed to perform. Included are questions on Board of Outfitters regulations over outfitters and guides and Laws & Rules of the State of Montana relating to fish, wildlife and parks, outdoor recreation and certain other natural resources.

The following are recommended materials that you should obtain to help you prepare for the open book exam.

- a. **General Section:** A compilation of the Board of Outfitter Laws & Rules governing outfitters and guides are contained in this packet. A compilation of the Laws & Rules of the State of Montana relating to fish, wildlife and parks, outdoor recreation and certain other natural resources, can be obtained from a FWP licensing agent or the Department of Fish, Wildlife and Parks.
 - b. **Fishing and Hunting Sections:** A compilation of the Laws & Rules of the State of Montana relating to fish, wildlife and parks, outdoor recreation and certain other natural resources, can be obtained from a FWP licensing agent or the Department of Fish, Wildlife and Parks. In addition, you can obtain pamphlets entitled "Montana Fishing and Hunting Regulations", "Montana Boating Laws", "Stream Access in Montana", "It's the Law: New Legislation Affecting Montana Landowners & Recreationists" and "How to Hunt Safely in Grizzly Country" and/or any other FWP bear identification pamphlets.
 - c. **Livestock Section:** You can obtain the book titled "Packing in on Horses & Mules" by Smoke Elser & Bill Brown.
- **REAPPLICATION:** If you fail the examination, you will be able to take the next scheduled examination after submitting a new application and new exam fees. Applicants will have 15 days from the date of notification to review the questions missed. This review will be conducted at the Board office in Helena, by appointment only. During this review, you will not be able to take any notes or record any information taken from the exam. No representative of the Board will be allowed to discuss the substance of the exam with you. Questions regarding the substance of exams must be directed to the Board at a pre-scheduled meeting.
- **NET CLIENT HUNTER USE (NCHU):** The Board of Outfitters has been directed by the Legislature to regulate outfitters NCHU as set forth in [37-47-201(5)(d)], MCA. Proposals must be made on a form provided by the Board and accompanied by the appropriate fee. The NCHU figures limit the number of clients that hunting outfitters may outfit on private land and federal land where client use is not regulated. So designating NCHU does not include clients served on federal land under special use permits. Once NCHU numbers have been set for the desired categories, an outfitter may not exceed the number without Board approval, nor may an outfitter exchange, trade or substitute between the categories of NCHU without approval of the Board. For example, you may not drop one bird hunter in exchange for an additional elk hunter in a given year without applying for and receiving approval from the Board.
- **NET CLIENT HUNTER USE (NCHU):** The Board will publish proposals for expansions or new use for receipt of public comment and consider the proposals at regularly scheduled Board meetings. The Board will then review each proposal to determine whether an undue conflict with existing hunting use exists in the area, constituting a threat to the public health, safety, or welfare.
- **LICENSE AMENDMENT/EXAMINATION APPLICATION:** Montana outfitters wanting to amend their existing outfitter's license by adding a new service, such as, horses/packing, fishing, or hunting, must make application

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on a form prescribed and furnished by the Board. After meeting the experience and training specifications and other qualifications (fishing or hunting), license applicants must take and pass a written examination administered by the Board or its agent. Incomplete applications will be returned causing a delay in processing. The fee is \$400.00 for the License Amendment, Examination Application and filing of an operation plan amendment.

- (1) Complete the outfitter license/examination application and operation plan amendment by typing or printing all required parts. (A completed NCHU application must accompany hunting outfitter license application, as well) Sign the forms, in front of a Notary, and submit them to the Board office with the required fees. Applications submitted without the required experience may be subject to a re-application process with new fees.
- (2) Qualifications will be investigated and experience verified upon receipt of an application. The experience is verified through review of annually submitted client report logs.
- (3) Applications must be submitted (30) thirty days prior to the next scheduled examination date. If received after the deadline date, the application will be held for the following examination. Submitting your application by the deadline date does not guarantee that you will be scheduled for the next examination date. Applicants must receive preapproval of their proposed operations plan and license application before being scheduled for the written examination.
- (4) Once an application is considered complete, the Board office will send written confirmation of the date and time the applicant is scheduled for examination. The examinations are given on the second Tuesday every three months starting with January. Therefore, the exams are given in January, April, July and October. Examinations are always held at a pre-scheduled location in Helena, Montana.
- (5) An equipment and premises inspection will be made by a representative of the Board at a reasonable time following approval of an application.
- (6) When all the conditions of licensure have been satisfied, the Board will issue an amended license stating the outfitter's new functions that the applicant is qualified and approved to perform.